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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/084,226  | 02/28/2002  | Dov Moran            | M01/23              | 5080             |
| 7590  | 05/01/2006  |                      | EXAMINER            |                  |
| THE POLKINGHORNS<br>9003 FLORIN WAY<br>UPPER MARLBORO, MD 20772 |             |                      | PEYTON, TAMMARA R   |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2182                |                  |

DATE MAILED: 05/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/084,226             | MORAN, DOV          |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Tammara R Peyton       | 2182                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 06 January 2006 .

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 3-18 and 26-40 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) \_\_\_\_\_ is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) 3-18 and 26-42 are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some \* c)  None of:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)      4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_ .  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)      5)  Notice of Informal Patent Application (PTO-152)  
3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ .      6)  Other: \_\_\_\_ .

***Election/Restrictions***

This application contains claims directed to the following patentably distinct species of the claimed invention:

Species 1, claims 3-5, 13-16, 30-34, 37, are drawn to a single device interface for enabling the data to be transferred between the portable device and another portable device; wherein operations of both the portable device and said other portable device, with respect to the data, are restricted to data storage and transfer; and wherein the portable device is operative to function as a stand alone device while exchanging the data with said other portable device; and wherein said single device interface is a sole interface of the portable device for data exchange between the portable device and any other device.

Species 2, claims 17, 18, 35, and 38, drawn to a single device interface for enabling the data to be transferred between the portable device and another portable device; wherein operations of both the portable device and said other portable device lack an operating system and wherein the portable device is operative to function as a stand alone device while exchanging the data with said other portable device; and wherein

*said single device interface is a sole interface of the portable device for data exchange between the portable device and any other device.*

Species 3, claims 26-29, 36, and 39, drawn to a single device interface for enabling the data to be transferred from the portable device directly to another portable device, wherein communication between said portable devices only occurs through respective device interfaces, and wherein neither the device nor said other portable device is capable of receiving an additional software application; and wherein neither the device nor said other portable device is application; and wherein the portable device is operative to function as a stand alone device while exchanging the data with said other portable device; and wherein said single device interface is a sole interface of the portable device for data exchange between the portable device and any other device.

Species 4, claims 40-42, drawn to a device interface for enabling the data to be transferred from the portable device directly to another portable device...wherein the data stored on said non-volatile memory is marked according to type.

Species 5, claim 43, drawn to a signaling device for transmitting a signal to another portable device, said signal requesting transfer of data; wherein operations of both the portable device and said other portable device, with respect to the data, are restricted to data storage and transfer; wherein the portable device is operative to function as a stand alone device while exchanging the data with said other portable device; wherein

transfer of data is automatically initiated upon detection of said other portable device,  
according to said at least one instruction for controlling data transfer; and wherein data  
stored on said non-volatile memory is marked according to type, such that said at least  
one instruction selects data for transfer according to said type and such that automatic  
transfer is initiated only for at least one selected type of data.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP 5809.024a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or dearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over

the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammara Peyton whose telephone number is (571) 272-4157. The examiner can normally be reached between 6:30 - 4:00 from Monday to Thursday, (I am off every first Friday), and 6:30-3:00 every second Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on (571) 272-4147. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Any inquiry of a

general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Mailed responses to this action should be sent to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231.

Faxes for Official/formal (After Final) communications or for informal or draft communications (please label "PROPOSED" or "DRAFT") sent to:

(571) 273-8300

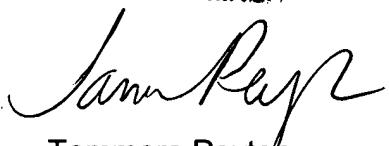
Hand-delivered responses should be brought to:

USTPO, Randolph Building, Customer Service Window

401 Dulany Street

Alexandria, VA 22314.

**TAMMARA PEYTON  
PRIMARY EXAMINER**



Tammara Peyton

April 25, 2006